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Twitter, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN DOE #1 AND JOHN DOE #2

Case No. 3:21-cv-00485-JCS

Plaintiff,

**STIPULATION AND [PROPOSED] ORDER AS
MODIFIED ON DEFENDANT TWITTER INC.'S
RESPONSE TO THE FIRST AMENDED
COMPLAINT AND MOTION TO DISMISS
BRIEFING SCHEDULE**

TWITTER, INC.

Judge: Hon. Joseph C. Spero
Trial Date: Not yet set

1 Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Plaintiffs John Doe #1 and John Doe #2
 2 (“Plaintiffs”), and Defendant Twitter, Inc. (“Defendant”) (together, with Plaintiffs, the “Parties”),
 3 hereby agree and stipulate that good cause exists to request an order from the Court extending
 4 Defendant’s time to respond to the First Amended Complaint (“FAC”) and adopting the below
 5 briefing schedule for Defendant’s motion to dismiss the Complaint.

6 **RECITALS**

7 WHEREAS, the above-captioned action was first filed on January 20, 2021;

8 WHEREAS, the original Complaint asserted eleven counts, including violation of the
 9 Trafficking Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591 and 1595, violation of the
 10 duty to report child sexual abuse, 18 U.S.C. § 2258A, receipt and distribution of child pornography,
 11 18 U.S.C. § 2252A, California products liability, negligence, gross negligence, negligence per se,
 12 negligent infliction of emotion distress, distribution of private sexually explicit materials, Cal. Civ.
 13 Code § 1708.85, intrusion into private affairs, invasion of privacy under the California Constitution,
 14 Article 1, Section 1;

15 WHEREAS, the Parties requested an extended briefing schedule with respect to a motion
 16 to dismiss the Complaint, which was granted;

17 WHEREAS, Defendant filed its Motion to Dismiss Plaintiff’s Complaint on March 10,
 18 2021;

19 WHEREAS, Plaintiffs filed the First Amended Complaint on April 7, 2021;

20 WHEREAS, the FAC includes new factual allegations and asserts thirteen counts, including
 21 violation of the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591(a)(1) and
 22 1595; benefiting from a sex trafficking venture in violation of the Trafficking Victims Protection
 23 Act, 18 U.S.C. §§ 1591(a)(2) and 1595; violation of the duty to report child sexual abuse material,
 24 18 U.S.C. §§ 2258A 2258B; civil remedies for personal injuries related to sex trafficking and
 25 receipt and distribution of child pornography, 18 U.S.C. §§ 1591, 2252A and 2255; California
 26 products liability, negligence, gross negligence, negligence per se, negligent infliction of emotional
 27 distress; distribution of private sexually explicit materials, Cal. Civ. Code § 1708.85; intrusion into
 28 private affairs; invasion of privacy under the California Constitution, Article 1, Section 1; violation

1 of business and professions code § 17200;

2 WHEREAS, under Civil Local Rules 6-1(b) and 6-2, the Parties may stipulate in writing to
3 request an order changing time that would affect the date of an event or deadline already fixed by
4 Court order;

5 WHEREAS, Defendant intends to file a motion to dismiss the FAC pursuant to Federal
6 Rule of Civil Procedure 12(b);

7 WHEREAS, the Parties have stipulated under Civil Local Rule 6-2 to a filing and briefing
8 schedule for Defendant's motion to dismiss the FAC as set forth below;

9 WHEREAS, given the number of counts at issue and breadth of claims asserted, the Parties
10 agree that good cause exists for an extended briefing schedule to allow for a fuller and more orderly
11 presentation of the arguments;

12 WHEREAS, the Parties agree they would each benefit from a lengthened briefing schedule;

13 WHEREAS, the Parties have not previously requested an extension with respect to a motion
14 to dismiss the FAC;

15 WHEREAS, the Initial Case Management Conference in this matter is set for June 4, 2021;

16 WHEREAS, the Parties have conferred and agree that continuing the Case Management
17 Conference will allow the Court the benefit of the full briefing of the issues of the case;

18 WHEREAS, the Parties have previously requested an extension on the Initial Case
19 Management Conference;

20 WHEREAS, this modification would not affect the case schedule as none has been entered;

21 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto,
22 through their undersigned counsel, as follows:

23 1. Defendants shall file and serve their motion to dismiss on or before May 7,
24 2021;

25 2. Plaintiffs shall file and serve their opposition on or before June 7, 2021;

26 3. Defendants shall file and serve their reply on or before June 28, 2021;

27 FURTHER, the Parties hereby stipulate and request that the hearing for Defendant's
28 anticipated motion to dismiss the First Amended Complaint be scheduled for **July 30, 2021** and

1 that the Initial Case Management Conference also be scheduled for **July 30, 2021**, with an Initial
2 Case Management Statement due by **July 23, 2021**. **These proceedings will be held by Zoom**
3 **Webinar. Zoom Webinar ID: 161 926 0804. Passcode: 050855.**

4 **IT IS SO STIPULATED.**

5 Dated: April 14, 2021

COOLEY LLP

6 */s/ Michael G. Rhodes*
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18 *Attorneys for Defendant Twitter, Inc.*

19 Dated: April 14, 2021

20 THE MATIASIC FIRM, P.C.

21 */s/ Paul A. Matiasic*
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ATTESTATION

Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Linh Nguyen hereby attests that concurrence in the filing of this document has been obtained.

Dated: April 13, 2021

COOLEY LLP

/s/ Linh K. Nguyen
Linh K. Nguyen

Attorneys for Defendant Twitter, Inc.

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2 **PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.**
3

4 Dated: April 14, 2021

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10 UNITED STATES CHIEF MAGISTRATE JUDGE